

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

JUL 26 2006

Case No. 5561
Date Filed 7/20/06
Hearing Date _____
Receipt _____
Fee \$450.00

Shaded Areas for Office Use Only

Type of Application

- ☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5561 MAP 40 TYPE Variance ELECTION DISTRICT 03

LOCATION 1348 Crofton Drive, Bel Air 21014

BY Thomas P. Bachur

Appealed because a variance pursuant to Section 267-26C(6) of the Harford

County Code to permit a shed to be located in a recorded easement in the R3

District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name THOMAS P. BACHUR Phone Number (410) 420-1920
Address 1348 CROFTON DRIVE BEL AIR MD 21014
Street Number Street City State Zip Code

Co-Applicant _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 1348 CROFTON DR. BEL AIR, MD 21014

Subdivision BIRCHWOOD MANOR Lot Number 25

Acreage/Lot Size 0.161 Election District 03 Zoning R3

Tax Map No. 40 Grid No. 4F Parcel 75 Water/Sewer: Private ☐ Public ☒

List ALL structures on property and current use: ① HOUSE - LIVING ACCOMMODATIONS
② STORAGE SHED (10' x 10') YARD STORAGE

Estimated time required to present case: _____

If this Appeal is in reference to a Building Permit, state number _____

Would approval of this petition violate the covenants and restrictions for your property? NO

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes ☒ No ☐

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

Request

I REQUEST PERMISSION TO ALLOW A PREVIOUSLY
BUILT STORAGE SHED IN A (10' x 10') 20 FOOT
UTILITY & DRAINAGE EASEMENT.

Justification

① OVER 1/2 OF MY BACK YARD IS CONSUMED BY AN
UNSHARED 20' DRAINAGE & UTILITY EASEMENT. ② THERE ARE
NO UTILITIES IN THE EASEMENT. ③ THE SHED DOES NOT CAUSE
DRAINAGE ISSUES (SEE DPW MEMO) ④ PLACEMENT OUTSIDE OF
THE EASEMENT IS AESTHETICALLY UNPLEASING & DISRUPTS OTHER
USES OF THE YARD.

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

RAPID MEMO

FROM: CHERYL SAVIGAN
DPA ENGINEERING

RECEIVED

2003 MAR 13 P 1:42

TO: TOMMIE HOOK

PLANNING & ZONING

DATE

3-10-03 & ZONING

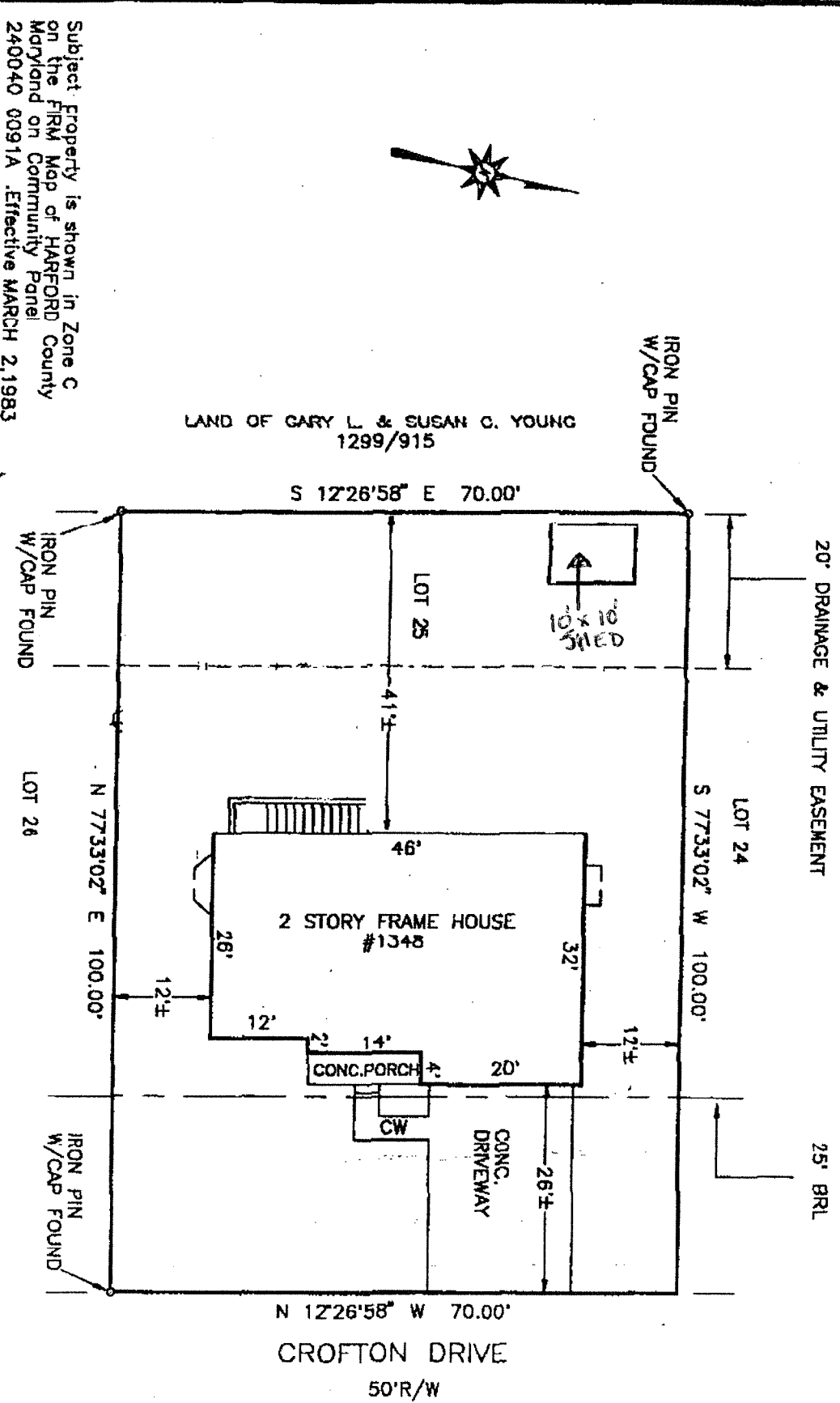
SUBJECT

SHED IN DRUG EASEMENT
1348 CROFTON DRIVE

AFTER REVIEWING CONSTRUCTION DRAWINGS AND A FIELD VISIT, IT HAS BEEN DETERMINED THAT THE LOCATION OF THE SHED IN THE DRAINAGE & UTILITY EASEMENT DOES NOT ADVERSELY AFFECT DRAINAGE IN THE AREA. THEREFORE, WE WOULD NOT OBJECT TO PERMITTING THE SHED TO REMAIN IN THE EASEMENT, SUBJECT TO THE FOLLOWING CONDITIONS:

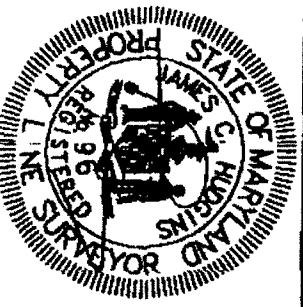
- 'THE SHED CAN NOT BE PLACED ON A PERMANENT FOUNDATION
- 'IF IT IS FOUND TO CONTRIBUTE TO ANY DRAINAGE PROBLEMS IN THE FUTURE, IT MUST BE REMOVED FROM THE EASEMENT AT THE OWNERS EXPENSE

- NOTES:
- 1) B.M. information, if shown, was obtained from existing record plat or local agencies and is not guaranteed by NTL, Inc.
 - 2) Building line and/or Flood Zone information is subject to the interpretation of the engineer.
 - 3) NTL, Inc. does not certify to unknown or unrecorded encroachments or easements.
 - 4) Property interest NOT found, or guaranteed by this location.
 - 5) Subsequent distance accuracy: 1/4"



This is to certify that I have surveyed the property shown hereon, being known as LOT 25 AS SHOWN ON FINAL PLAT-PHASE 1-BIRCHWOOD MANOR and recorded among the land records of HARFORD County, Maryland in Plot 59, folio 80 for the purpose of locating the improvements thereon.

* This plat is of benefit to the consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing, or refinancing purposes.
 * This plat is not to be relied upon for the establishment of location of fences, garages, buildings, or other existing or future structures.
 * This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or for securing financing or refinancing.



J. Carl Hudgins
 Property Line Surveyor #96

LOCATION DRAWING
 1348 CROFTON DRIVE
 HARFORD COUNTY, MARYLAND
 3RD ELECTION DISTRICT

NTI Associates, Inc.
 16205 Old Frederick Road
 Mt. Airy, Maryland 21771
 Ph. (410)442-2031
 Fax No. (410)442-1315

Scale: 1" = 20'
Date: 02-10-98
Field By: J.D.C.
Drawn By: J.D.C.
Drawing # 3971WM

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

August 2, 2006

STAFF REPORT

BOARD OF APPEALS CASE NO. 5561

APPLICANT/OWNER: Thomas P. Bachur
1348 Crofton Drive, Bel Air, Maryland 21014

REPRESENTATIVE: Applicant

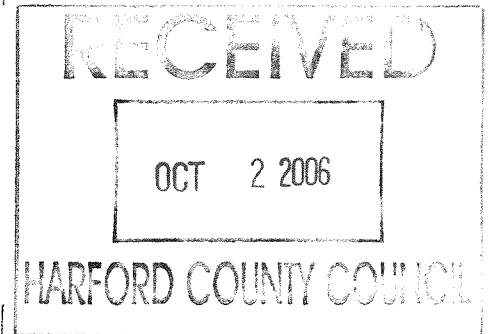
LOCATION: 1348 Crofton Drive – Birchwood Manor
Tax Map: 40 / Grid: 4F / Parcel: 75 / Lot: 25
Election District: Three (3)

ACREAGE: 0.161 acres

ZONING: R3/Urban Residential District

DATE FILED: July 20, 2006

HEARING DATE: October 18, 2006



APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"I request permission to allow a previously built storage shed in a (10'x 10') 20 foot utility and drainage easement."

Justification:

1. Over ½ of back yard is consumed by an unshared 20 foot drainage and utility easement.
2. There are no utilities in the easement.
3. The shed does not cause drainage issues (see DPW memo).

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • www.harfordcountymd.gov

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

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4. Placement outside of the easement is esthetically unpleasing and disrupts other uses of the yard."

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-26C(6) of the Harford County Code to permit a shed to be located in a recorded easement in the R3/Urban Residential District.

Section 267-26C(6) of the Harford County Code reads:

- (6) *No accessory use or structure, except fences, shall be located within any recorded easement area.*

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The subject property is located north of Bel Air on the west side of Crofton Drive across from Poplar Court. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 1 and 2).

The Applicant's property is located within the Development Envelope. The predominant land use designation in the area is Medium Intensity. The subject property is designated as Medium Intensity which is defined by the 2004 Master Plan as:

Medium Intensity - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, variety stores and other commercial uses are examples of some of the more intensive uses associated with this designation.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 3 and 4).

Land Use – Existing:

Existing land uses conform to the overall intent of the 2004 Master Plan. The predominant land use in the immediate area is Residential. Commercial uses are generally found within the Town of Bel Air and to the north along Route 24. The topography for the area ranges from rolling to steep especially near the stream valleys. A topography map and a copy of the aerial photograph are enclosed with the report (Attachments 5 and 6).

The Applicant's property is a rectangular shaped lot approximately 0.161 acres in size. The Birchwood Manor subdivision is a single family development created under the R3/Urban Residential Standards and was recorded in September of 1987. It is bordered by the Marywood

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subdivision to the north and west and the right of way for the Bel Air US Route 1 Bypass on the east side (Attachment 7). The improvements consist of a frame 2-story dwelling with an attached 2-car garage, a concrete driveway, a solid board fence around the rear of the property and a small frame utility building located in the right rear corner of the lot. The lot rises up gently from the road to the front of the dwelling. Approximately 20 feet from the rear property line the topography slopes up towards the rear property line. There is a 20' drainage and utility easement located along the rear of the lot. Enclosed with the report are copies of site photographs along with an enlargement of the aerial photograph (Attachments 8 and 9).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning includes R1, R2 and R3/Urban Residential Districts. There is no Commercial zoning found in the general area of the subject property. The subject property is zoned R3/Urban Residential as shown on the enclosed copy of the zoning map (Attachment 10).

Zoning Enforcement:

The Department received a complaint on February 8, 2006, that there were no permits for a shed or fence located on the subject property. A site inspection revealed that there was in fact a shed and fence on the property without the necessary permits. The Applicant was notified by letter of the complaint and the inspector's findings. The Applicant applied for the necessary permits for the fence on February 21, 2006. Enclosed with the report are copies from the enforcement file for informational purposes only (Attachment 11)

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-26C(6) of the Harford County Code to permit a shed to be located in a recorded easement in the R3/Urban Residential District.

Section 267-26C(6) of the Harford County Code reads:

- (7) *No accessory use or structure, except fences, shall be located within any recorded easement area.*

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the Applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

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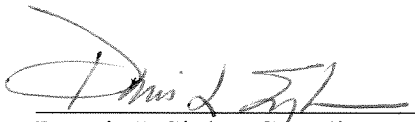
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The Department of Public Works reviewed the request and provided comments in a memo dated March 10, 2006. It was determined that the shed does not adversely impact drainage in the area (Attachment 12). The current location of the shed is the most practical location due to the size of the lot. If approved the requested variance should not adversely impact the adjacent properties or the intent of the code.

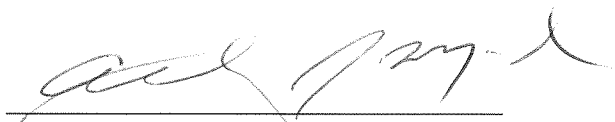
RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

1. The Applicant shall obtain all necessary permits for the shed.
2. The Applicant shall comply with the memorandum from the Department of Public Works dated March 10, 2006.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/jf